

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DERRICK PERRY, individually and on  
behalf of other similarly situated persons,**

**Plaintiff,**

**v.**

**NATIONAL CITY MORTGAGE, INC.,**

**Defendant.**

**Case No. 3:05-CV-00891-DRH**

**FINAL JUDGMENT AND DISMISSAL WITH PREJUDICE**

**HERNDON, Chief Judge:**

The Court previously approved as fair, reasonable and equitable the Settlement Agreement and Release of Claims and the Opt-In Form and Release Agreement presented by the parties and approved as fair and adequate the Notice of Collective Action Settlement to settlement class members (Doc No. 81). Based on the parties' Joint Motion for Final Judgment and Dismissal With Prejudice, the Court notes that (1) the Notice of Collective Action Settlement was sent to settlement class members, (2) settlement class members who chose to participate in the settlement have opted into the case and executed individual releases, and (3) the parties intend to send a letter to participating class members informing them of adjustments that the Settlement Administrator has made to settlement shares based on revised class data and consistent with the distribution formula agreed to by the parties and approved by the Court. In light of the foregoing, the Court hereby ENTERS FINAL JUDGMENT IN THE CASE and ORDERS that:

(1) The process for administering final settlement allocations outlined in the parties' Joint Motion and in the attachments thereto, and the form and content of the documents attached thereto as Exhibits A, B, C, and D, are APPROVED;

(2) This case is DISMISSED WITH PREJUDICE as to all individuals who filed consents to opt into the case. Provided, however, that any individuals who receive Exhibit A to the parties' Joint Motion and do not complete the requirements specified therein for participating in the settlement will be DISMISSED WITHOUT PREJUDICE, with Defendant agreeing that, as to such people, the applicable Fair Labor Standards Act ("FLSA") limitations period will be tolled from April 11, 2008, the date of the original class Notice, until thirty (30) days after entry of final judgment in this matter.

(3) Defendants are hereby ORDERED to make all payments required by and in accordance with the Settlement Agreement;

(4) All individuals participating in the settlement are permanently enjoined and restrained from asserting any and all claims that were released pursuant to the Settlement Agreement and/or individual Release Agreements, and;

(5) Costs shall be borne per the Settlement Agreement.

IT IS SO ORDERED

Signed this 30<sup>th</sup> day of July, 2008.

/s/ David R. Herndon

Chief Judge  
United States District Court